UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,158	01/28/2000	Erno Kovacs	450117-02354	3100

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EXAMINER
PERSINO, RAYMOND B

ART UNIT	PAPER NUMBER
2682	9

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07 June 2004_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,2,4-13 and 15-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,2,4-13 and 15-22_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _28 January 2002_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

2.   Claims 1-2, 4-13 and 15-22 are rejected under 35 U.S.C. 102(b) as being

anticipated by WEISER et al (US 5,485,634 A).

Regarding claim 1, WEISER et al discloses a mobile agent system for a

communication unit of a communication system, with at least one mobile agent (element

44 of figure 3) comprising an allocated agent policy (element 70 of figure 3), in which

migration parameters of the respective mobile agent are defined, migration control

means (element 48 of figure 3) for controlling the migration behavior of a mobile agent

in the communication system on the basis of a current migration policy of the mobile

agent and current parameters of the communication system (column 7 line 64 to column

9 line 36); and policy control means (element 74 of figure 3) for selecting the current

migration policy of a mobile agent on the basis of the allocated agent policy of the

mobile agent and the system policy, which is a policy selected from a default system

policy or an agent type specific policy (column 8 line 49 to column 10 line 4).

Regarding claim 2, see the rejection of the parent claim concerning the subject

matter this claim depends from. WEISER et al further discloses a policy managing

means (element 48 of figure 3) for storing the system policy (element 48 of figure 3), in which migration behavior parameters for mobile agents of the mobile agent system are defined (column 8 line 49 to column 10 line 4).

Regarding claim 4, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that the policy control means selects the current migration policy of a mobile agent depending on the type of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 5, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that that the policy control means selects the current migration policy of a mobile agent depending on additional priority parameters of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 6, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that that the policy control means selects the current migration policy of a mobile agent depending on weighting parameters of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 7, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses by user input means for inputting a migration policy which is taken as the current migration policy for a mobile agent, whereby said policy control means always returns to a normal mode for the next migration policy to be selected (column 10 line 41 to column 11 line 46).

Regarding claim 8, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses by user input means for inputting a migration mode for the mobile agent system, whereby said input migration mode is kept by said policy control means until a new migration mode is input (column 10 line 41 to column 11 line 46).

Regarding claim 9, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses user operation means for changing the allocated agent policy of a mobile agent, and/or the system policy (column 10 line 41 to column 11 line 46).

Regarding claim 10, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses an application programming interface connected to the migration control means for retrieving the current parameters of the communication system (column 7 line 64 to column 11 line 46).

Regarding claim 11, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that said migration control means decides on the basis of a comparison of the current migration policy of a mobile agent and the current parameters of the communication system, if the migration of the mobile agent is allowed, suspended or rejected (column 7 line 64 to column 11 line 46).

Regarding claim 12, WEISER et al discloses a method for controlling a mobile agent system in a communication unit of a communication system, the mobile agent

system including, at least one mobile agent (element 44 of figure 3), the method

comprising: defining an allocated agent policy (element 70 of figure 3), in which

migration parameters of the respective mobile agent are defined; controlling the

migration behavior of a mobile agent in the communication system on the basis of a

current migration policy of the mobile agent and current parameters of the

communication system (column 7 line 64 to column 9 line 36); and selecting the current

migration policy of a mobile agent on the basis of the allocated agent policy of the

mobile agent and the system policy, which is a policy selected from a default system

policy or an agent type specific policy (column 8 line 49 to column 10 line 4).

Regarding claim 13, see the rejection of the parent claim concerning the subject

matter this claim depends from. WEISER et al further discloses storing a system policy

(element 48 of figure 3), in which migration behavior parameters for mobile agents of

the mobile agent system are defined (column 8 line 49 to column 10 line 4).

Regarding claim 15, see the rejection of the parent claim concerning the subject

matter this claim depends from. WEISER et al further discloses that current migration

policy of a mobile agent is selected depending on the type of the provided policies

(column 8 line 49 to column 10 line 4).

Regarding claim 16, see the rejection of the parent claim concerning the subject

matter this claim depends from. WEISER et al further discloses that the current

migration policy of a mobile agent is selected depending on additional priority

parameters of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 17, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that the current migration policy of a mobile agent is selected depending on weighting parameters of the provided policies (column 8 line 49 to column 10 line 4).

Regarding claim 18, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that that upon inputting a migration policy which is taken as the current migration policy for a mobile agent, the agent system always returns to a normal mode for the next migration policy to be selected (column 10 line 41 to column 11 line 46).

Regarding claim 19, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses that upon inputting a migration mode for the mobile agent system, said input migration mode is kept until a new migration mode is input (column 10 line 41 to column 11 line 46).

Regarding claim 20, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses providing a user operation means for changing the allocated agent policy of a mobile agent and/or the system policy (column 10 line 41 to column 11 line 46).

Regarding claim 21, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses retrieving the current parameters of the communication system over an application programming interface (column 7 line 64 to column 11 line 46).

Regarding claim 22, see the rejection of the parent claim concerning the subject matter this claim depends from. WEISER et al further discloses deciding on the basis of a comparison of the current migration policy of a mobile agent and the current parameters of the communication system, if the migration of the mobile agent is allowed, suspended or rejected (column 7 line 64 to column 11 line 46).

Response to Arguments

3.   Applicant's arguments filed 6/7/2004 have been fully considered but they are not persuasive. The applicant argues that WEISER doesn't teach the replacement of policies and therefore WEISER's teaching does anticipate claims 1 and 12. Initially, the examiner would like to point out that the claim language does not include a limitation directed toward the replacement of a policy. Instead, claims 1 and 12 call for the selection of a migration policy on the basis of the allocated agent policy of the mobile agent and a system policy.   In column 8 lines 38-67, WEISER's "controller agent's internal policies" read on claim 1's "allocated agent policy" and WEISER's "room agent's room-level policies" read on claim 1's "default policy or an agent type specific policy". In column 8 lines 38-67, the examiner reads WEISER's "selected migration policy" as the resulting policy of WEISER's controller agent's internal policies filtered by the room agent's room-level policies. In other words the "room-level policy filtered internal policy" is a "selected migration policy." Under WEISER's teaching, the "room-level policy filtered internal policy" is based on the "controller agent's internal policies" and the "room agent's room-level policies". Thus, WEISER does teach the selection of a

migration policy on the basis of the allocated agent policy of the mobile agent and a system policy. Moreover, claim 1's "mobile agent" is read on by WEISER's "controller agent", claims 1's "migration control means" is read on by WEISER's "room level agent", and claim 1's "policy control means" is read on WEISER's "room level agent" applying a "room-level filter" to a request formulated by a "controller agent". Therefore, WEISER anticipates each and every limitation of amended claims 1 and 12 and the examiner is maintaining the rejections. The examiner would like to note that amended claims 1 and 12 do overcome rejections based upon LA PORTA.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gomi et al (US 6,754,691 A)

Jagannathan et al (US 5,717,747 A)

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Raymond B. Persino whose telephone number is (703)

308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM
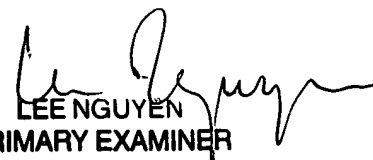
to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Raymond B. Persino
Examiner
Art Unit 2682

RP

LEE NGUYEN
PRIMARY EXAMINER